


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

AUG 12 2010

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

GILLETTE AIR CONDITIONING
COMPANY,

Plaintiff,

vs.

TIMOTHY D. SCHEUTZOW, and,
FIELD FUSION, INC.,

Defendants.

CIVIL ACTION NO. SA-10-CA-548-FB

ORDER

Before the Court are Defendant Timothy D. Scheutzow and Field Fusion, Inc.'s Motion for Extension of Time to Answer or Otherwise Plead (docket no. 9), plaintiff's response (docket no. 9) in opposition thereto, and Plaintiff's Motion to Strike Appearance of Scheutzow as Representative of Field Fusion, Inc. (docket no. 11). After careful consideration, the Court is of the opinion that defendant's motion to extend time should be granted and plaintiff's motion to strike should be denied.

Plaintiff filed suit against Mr. Scheutzow and his corporation alleging unlawful use of plaintiff's copyrighted material. Defendants' answer or other pleading was due to be filed on July 20, 2010. Defendant Scheutzow, who resides in Ohio, timely filed his pro se motion on behalf of himself and his corporation seeking additional time, until August 20, 2010, to answer or otherwise plead. He requests the extension so he may obtain counsel to represent himself and the defendant corporation.

Plaintiff objects to either defendant being given additional time to answer or otherwise plead asserting that defendants' use of plaintiff's copyrighted material is continuing and causes irreparable injury to plaintiff. Plaintiff additionally moves to strike the appearance of Mr. Scheutzow as a

representative of Field Fusion, Inc. Plaintiff points out that Mr. Scheutzow is not an attorney and cannot represent the corporation.

The Court does not find defendants' requested extension to be unreasonable. This is especially true given that the request is limited to thirty-days and defendants reside out of state. Nor does the Court find that Mr. Scheutzow is unable to seek an extension of the answer date on behalf of defendant Field Fusion, Inc. In filing the motion, Mr. Scheutzow has not officially made an appearance as the representative of the defendant corporation. Instead, he moves for an extension of time so he may satisfy his obligation to obtain counsel to represent Field Fusion, Inc. The motion to extend time shall therefore be granted, and the motion to strike shall be denied.

IT IS THEREFORE ORDERED that Defendant Timothy D. Scheutzow and Field Fusion, Inc.'s Motion for Extension of Time to Answer or Otherwise Plead (docket no. 9) is GRANTED such that defendants shall have until **August 20, 2010**, to answer or otherwise plead.

IT IS FURTHER ORDERED that Plaintiff's Motion to Strike Appearance of Scheutzow as Representative of Field Fusion, Inc. (docket no. 11) is DENIED.

It is so ORDERED.

SIGNED this 12th day of August, 2010.



FRED BIERY
CHIEF UNITED STATES DISTRICT JUDGE